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Theresa A. Michalek
Name

Theresa A. Michalek
Signature

SEP 01 2004

TECH CENTER 1600/2300

Case No. MBHB00-1150 (10112)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stelter et al.

Serial No: 10/054,514
Filed: 11/13/2001
For: ELECTROSTATIC IMAGE
DEVELOPING PROCESSES
AND COMPOSITIONS

Examiner: Chapman, Mark A
Group Art Unit: 1756

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) FOR UNAVOIDABLE DELAY

Sir:

REMARKS

Applicants hereby request that the captioned application be revived and issued.

The facts are as follows:

1. I received a "Notice of Allowance and Fee(s) Due" with a due date of April 13, 2004.
2. On April 13, 2004, a "Part B - Fee Transmittal" was mailed with a Certificate of Mail dated April 13, 2004, and signed by Debra M. Haag.

3. The "Part B - Fee Transmittal" was complete except there was no payment of the issue fee due to the following:

3.1. Under our established office procedure, a patent legal assistant completes the "Part B - Fee Transmittal".

3.2. The patent legal assistant is trained to indicate payment by deposit account and to provide a deposit account number on the form.

3.3. My practice is to review and sign the form before mailing it to the USPTO.

3.4. A patent legal assistant completed the form and gave it to me for my review and signature.

3.5. Payment by deposit account was not indicated and a deposit account number was not provided on the form.

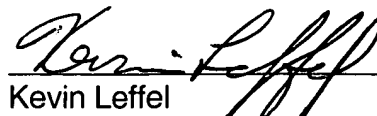
3.6. I did not notice that the payment information was missing.

4. I received a "Notice of Abandonment" on August 19, 2004, due to failure to pay the issue fee with a notation that there was no deposit account number.

In light of the foregoing, I respectfully request revival of the application. Failure to provide the missing information was an oversight that occurred in spite of training and procedures. I did not know the application was abandoned until receipt of the "Notice of Abandonment".

A fee transmittal for this petition and a properly completed "Part B - Fee Transmittal" are submitted herewith.

Respectfully submitted,



Kevin Leffel
Registration No. 37,379
Attorney for Applicant

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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete if Known

Application Number 10/054,514
Filing Date 11-13-2001
First Named Inventor Stelter
Examiner Name CHAPMAN, MARK A
Art Unit 1756
Attorney Docket No. MBHB00-1150 (10112)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

05-0225

EASTMAN KODAK COMPANY

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	110
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110

SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Kevin L. Leffel Registration No. 37,379 Telephone 585-512-8434
Signature Date August 20, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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